

provided on a weekly basis by defendants are insufficient to take his prescribed psyllium fiber, Plaintiff has come forward with no information to support that assertion, and CMS personnel have concluded that the cups provided by the defendants are sufficient. *See* Doc. 30, Oct. 21, 2005, Letter from Associate Superintendent Arthur Wood to plaintiff Green, responding to plaintiff's complaint that he be permitted to purchase a cup from the prison canteen.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's motions for declaratory judgment and for temporary restraining order are denied [17, 18]. It is further

ORDERED defendants' motion to dismiss is granted and plaintiff's claims are dismissed, pursuant to the provisions of 28 U.S.C. § 1915(g) [22].

s/ Nanette K. Laughrey

NANETTE K. LAUGHREY
United States District Judge

Dated: December 7, 2005
Jefferson City, Missouri